REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 3, 2006. Claims 1-6, 8-16, 18-26 and 28-30 were pending in the Application. In the Office Action, Claims 1-6, 8-16, 18-26 and 28-30 were rejected. Claims 1-6, 8-16, 18-26 and 28-30 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SECTION 103 REJECTIONS

Claims 1-6, 8-16, 18-26 and 28-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,427,161 issued to LiVecchi (hereinafter "*LiVecchi*") in view of U.S. Patent Publication No. 2003/0088609 issued to Guedalia et al. (hereinafter "*Guedalia*"). Applicant respectfully traverses this rejection.

Of the rejected claims, Claims 1, 12 and 22 are independent. Applicant respectfully submits that independent Claims 1, 12 and 22 are patentable over the *LiVecchi* and *Guedalia* references. In the Office Action, the Examiner states that *LiVecchi* fails to teach "transferring the request to a client thread dynamically created by the control thread to process request data associated with the request" as recited by Claim 1 (Office Action, pages 2 and 3). Applicant agrees. The Examiner further states that *Guedalia* purportedly teaches the above-referenced limitations of Claim 1, and that it would have been obvious to modify *LiVecchi* with the purported teaching of *Guedalia* to arrive at Applicant's invention as defined by Claim 1 (Office Action, page 3). Applicant respectfully disagrees.

Applicant respectfully submits that there is no motivation or suggestion to combine the purported teaching of *Guedalia* with *LiVecchi* as proposed by the Examiner and, further, at least *LiVecchi* teaches away from the proposed combination. For example, *LiVecchi* appears to disclose two groups of worker threads for processing data requests: 1) active threads; and 2)

blocked threads (comprised of worker threads not in the first or active group) (*LiVecchi,* column 7, lines 20-42). *LiVecchi* also appears to disclose a "novel scheduling heuristic" to determine whether to unblock a waiting thread to process a data request or wait for a currently-running thread to complete (*LiVecchi,* column 12, line 66 to column 13, line 2). Thus, in *LiVecchi,* there appears to be a finite number of "worker threads" for processing a data request. Additionally, *LiVecchi* recites:

> The objective of this scheduling heuristic is to balance the number of worker threads against the current incoming workload. Optimum results are achieved when over-scheduling does not occur. To do this, a small backlog should be maintained on the incoming ready queue (that is, some connections should be allowed to remain on the queue, and not be immediately assigned by awakening a worker thread).

(*LiVecchi,* column 13, lines 15-22) (emphasis added). *LiVecchi* further recites:

> If the number of connections is greater than or equal to R when the test at Step 205 is made, then too many connections are already waiting . . . so a waiting thread will be unblocked by transferring control to Step 210. If the queue depth is less than R, then all the connections remain on the queue, waiting for running threads to finish.

(*LiVecchi,* column 13, lines 38-45) (emphasis added). Thus, Applicant respectfully submits that there is no motivation or suggestion to modify *LiVecchi* as proposed by the Examiner at least because the Examiner's proposed modification of *LiVecchi* would render *LiVecchi's* "novel scheduling heuristic" inoperable for its intended purpose, namely, to prevent over-scheduling. In fact, *LiVecchi* teaches away from the modification proposed by the Examiner at least because *LiVecchi* expressly maintains connections in queue and waits for running threads to finish before assigning a thread to a request in order to prevent over-scheduling. Thus, at least *LiVecchi* teaches away from "dynamically creat[ing]" a client thread to process request data as recited by Claim 1. Accordingly, for at least these reasons, Applicant respectfully submits that independent Claim 1 is patentable over the *LiVecchi* and *Guedalia* references.

Independent Claim 12 recites "a server and operable to . . . transfer the request to a client thread <u>dynamically created</u> by the control thread to process request data associated with the request" (emphasis added), and independent Claim 22 recites "an application software residing on a computer-readable medium and operable to . . . transfer the request to a client thread <u>dynamically created</u> by the control thread to process request data associated with the request" (emphasis added). At least for the reasons discussed above in connection with independent Claim 1, Applicant respectfully submits that independent Claims 12 and 22 are also patentable over the *LiVecchi* and *Guedalia* references.
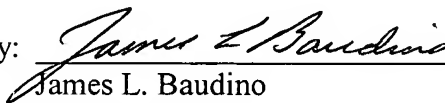
Claims 2-6, 8-11, 13-16, 18-21, 23-26 and 28-30 depend respectively from independent Claims 1, 12 and 22. As discussed above, independent Claims 1, 12 and 22 are patentable over the *LiVecchi* and *Guedalia* references. Therefore, Claims 2-6, 8-11, 13-16, 18-21, 23-26 and 28-30 that depend respectively therefrom are also patentable. Accordingly, Applicant respectfully requests that the rejection of Claims 1-6, 8-16, 18-26 and 28-30 be withdrawn.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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